

PATENT  
Serial No. 10/541,989  
Amendment in Reply to Office Action mailed on June 19, 2006

REMARKS

This Amendment is being filed in response to the Office Action mailed June 19, 2006, which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the following remarks and arguments are respectfully requested.

By means of the present amendment, claims 1-7 have been amended for better conformance to U.S. practice, such as deleting reference designations typically used in European practice that are known to not limit the scope of the claims and beginning the dependent claims with 'The' instead of 'A'. Claims 1-7 were not amended in order to address issues of patentability and Applicant respectfully reserves all rights under the Doctrine of Equivalents.

In the Office Action, the Examiner indicated that the Abstract is missing and required one. It is respectfully submitted that the application includes an Abstract, as seen from the publication US2006/0098837 for example. In any event, the current Abstract has been deleted and substituted with the enclosed New Abstract which better conforms to U.S. practice. Further, the specification has been amended to correct certain informalities.

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In the Office Action, claim 8 is rejected under 35 U.S.C. §112, second paragraph as allegedly indefinite. In response, claim 8 has been canceled without prejudice.

In the Final Office Action, the Examiner indicated that claim 3 would be allowable if rewritten in independent form. In addition, claims 1-2 and 4-5 are rejected under 35 U.S.C. §102(b) as allegedly anticipated by EP 0 5110 345 (Etzel). Further, claims 5-7 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Etzel. Applicant gratefully acknowledges the indication that claim 3 is allowable. However, Applicant has not rewritten claim 3 in independent form, since it is believed that independent claims 1, 9 and 17, as well as claims 2, 4-7, 10-16 and 18-21, should be allowable over Etzel for at least the following reasons.

Etzel is directed to a loudspeaker having a housing with breaking points 21 or rupture zones as shown in FIGs 1-2. As recited on page 1, lines 7-16, the frame of the Etzel loudspeaker either breaks in two at the breaking points 21 or telescopes to reduce its height.

It is respectfully submitted that Etzel does not teach or suggest the present invention as recited in independent claim 1,

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and similarly recited in independent claims 9 and 17 which, amongst other patentable elements, requires (Illustrative emphasis provided):

transition areas behave as hinges under the influence of an axial load above a certain value, wherein the intermediate housing portion turns towards the translation axis.

These features are nowhere taught or suggested in Etzel. Accordingly, it is respectfully submitted that independent claims 1, 9 and 17 should be allowable. In additions, claims 2-7, 10-16 and 18-21 should be allowable at least based on their dependence from independent claims 1, 9 and 17.

In addition, Applicant denies any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicant reserves the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

It is believed that no additional fees or charges are

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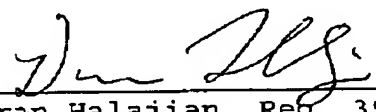
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currently due (since the total number of claims is 21 in view of canceled claim 8). However, in the event that any additional fees or charges are required for entrance of the accompanying amendment, they may be charged to Applicant's representatives Deposit Account No. 50-3649. In addition, please credit any overpayments related to any fees paid in connection with the accompanying amendment to Deposit Account No. 50-3649.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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Enclosure: New Abstract

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